

From: [Tzhone, Stephen](#)
To: [Moran, Gloria](#); [Andrews, Lawrence](#)
Subject: FW: Arkwood Freedom of Information Act Requests
Date: Wednesday, February 11, 2015 11:42:19 AM
Attachments: [2013 Triennial Review Public Involvement Timeline letter 020615 copy.pdf](#)
[ATT00001.htm](#)

From: CC Grisham [mailto:grish@me.com]
Sent: Wednesday, February 11, 2015 11:15 AM
To: benenati@adeq.state.ar.us
Cc: Charles Curtis Grisham Jr.; Nelson, Russell; Tzhone, Stephen; Meyer, John; Murray, Suzanne; benefield@adeq.state.ar.us; Tammy Harrelson; DOUG@adeq.state.ar.us; Ellen Carpenter; katie.beck@governor.arkansas.gov
Subject: Fwd: Arkwood Freedom of Information Act Requests

Dear Ms. Benenati,

Thank you for your time on the telephone this morning. Forwarded below is the email to which I referred when we spoke, wherein I tried my best to express my wish to be informed, notified and included in the public meetings, notices and information regarding ADEQ and its rule-making operations, especially where they impact the remediation activities and requirements at Arkwood Superfund site in Omaha, Arkansas.

The below is but one example of my efforts to express my wish to be included as an "interested party" and public stakeholder in ADEQ's rule-making processes.

I believe that from this email received by ADEQ in 2010 and from my many other communications both in writing and in person with ADEQ staff, any reasonable person would have know that I wanted to be notified and included in the Triennial Review of Regulation No. 2, about which regulation I have inquired most specifically for nearly five (5) years now.

Per our conversation today, and referring to the "Arkansas law" noted as "Ark. Code Ann. § 8-4-202 (d)(1)(C)" by ADEQ Water Division Chief Ellen Carpenter in her attached February 6, 2015 letter to EPA Water Quality Standards Regional Coordinator Russell Nelson regarding my inquiry, I hereby request to receive notice and to be afforded all rights under the referenced Arkansas Code including, but not limited to, the following:

"(d) (1) (A) Prior to the adoption, amendment, or repeal of any rule or regulation or prior to suspending the processing of a type or category of permits or the declaration of a moratorium on a type or category of permits, the commission shall give at least thirty (30) days' notice of its intended action.

"(B) The notice shall include:

"(i) A statement of the substance of the intended action;

"(ii) A description of the subjects and issues involved; and

"(iii) The time, place, and manner in which interested persons may make comments.

"(C) The notice shall be mailed to all persons that have requested advance notice of rulemaking proceedings.

"(D) The notice shall also be published at least twice in newspapers having a general statewide circulation and in the appropriate industry, trade, or professional publications the commission may select.

"(2) (A) All interested parties shall be afforded a reasonable opportunity to:

"(i) Submit written data, information, views, opinions, and arguments; and

"(ii) Make oral statements concerning the proposed rule, regulation, suspension, or moratorium prior to a decision being rendered by the commission."

Also per our conversation today, and to place the request in writing as you asked: please provide me with copies of all documentation to which Ms. Carpenter refers in her February 6, 2015 letter Mr. Nelson, which I have attached here for your reference.

I would like to state for the record that, since at least Aug 20, 2010, I have been on the email list for and received the meeting notices of the Arkansas Pollution Control and Ecology Commission as distributed by Commission Secretary Patricia Goff from the email address GOFFPATI@adeq.state.ar.us, which I believe also proves that since that time my intent was to be included as an "interested party" among the "persons that have requested advance notice of rulemaking proceedings."

As shown in my previous communication to EPA about this matter, I believe that *at a minimum* Sarah Clem, Water Quality Planning Branch Manager at ADEQ, was **well-aware** that I would have wanted to have received the January 20, 2012 "news release" informing the public of the five (5) "listening sessions" (all held within twenty-three (23) business days following that release;) to have received the eleven (11) "email notifications" regarding "listening sessions" that were detailed by Ms. Carpenter in her letter to Mr. Russell; and to have received the six (6) "news release" documents notifying the public of the seven (7) "stakeholder workgroup meetings" that "were held to provide further public input on the proposed revisions to Regulation No.2," which "were open to the public" per Ms. Carpenter.

Sincerely,

Charles Grisham, Junior